

REMARKS

The application has been amended and is believed to be in condition for allowance.

Previously-pending claims 3-4 have been cancelled.

Previously-pending claim 1 has been amended to more specifically recite the features which comprise the means for determining whether a received signal is a download start control signal.

New claims 7-9 compare to previously-pending claims and recite the invention with more specificity.

Claim 1 is rejected under Section 112, first paragraph, as failing to comply with the written description requirement in that the Official Action asserts that it is unclear how to determine whether a received signal is a download start control signal. The claim recites "means for determining whether a received signal is a download start control signal;".

Applicant disagrees. With reference to the specification beginning at page 3 and through the first full paragraph of page 4, there is disclosed that the present invention automatically switches the state of a terminal from an ordinary operation state to a downloadable state by transmitting a download start control signal to the terminal.

Figure 4 shows a block diagram of one terminal 4 and Figure 5 a block diagram of another terminal 7. Data as a download start control signal and a state switching end

notification signal are registered with a memory 16 of the terminal. A radio section 13 or a line section 18 receives a signal from the center 1 through the network 2. Thus, receipt of the signal appears clearly disclosed and enabled.

A control section 14 compares the received signal with signals registered with the memory. ***If the signal from the center 1 is coincident with the download start control signal registered in advance***, the terminal judges that the signal from the center 1 is a ***download start control signal***. Accordingly, the terminal starts a software stored in the memory 16 for switching the state of the terminal to a download state.

In view of this identified disclosure, it is clear that applicant has disclosed how to determine whether a received signal is a download start control signal. Withdrawal of the rejection is solicited. Should there be some formal issue here, e.g., the term "determining" please advise what alternative term would be acceptable, e.g., "judging". Applicant, however, believes the present recitation is proper and solicits withdrawal of the rejection.

Claims 1-6 stand rejected as anticipated by CARRON et al. 4,752,521.

Neither amended claim 1 nor any of the newly-presented claims are believed to be anticipated by CARRON et al.

CARRON et al. does not teach a terminal as recited that automatically switches from a first ordinary operation state to a

second download state by utilizing a download start control signal transmitted to the terminal. More specifically, CARRON et al. is not found to teach the recited means for determining whether a received signal is a download start control signal, which means comprises a memory storing data as a registered download start control signal and data as a registered state switching and notification signal. In combination with this, CARRON et al. is not seen as disclosing the means for determining further comprising a control section that compares the received signal with the registered download start control signal stored in the memory and thereafter, when the received signal is coincident with the registered download start control signal, determines that the received signal is a download start control signal. Accordingly, each of independent claims 1 and 7 are believed to be patentable. See that independent claim 1 also recites the memory storing data as a registered state switching and notification signal. New dependent claim 8 has the same recitation. This feature is also believed patentable.

Further, new dependent claim 9 recites the use of the registered state switching and notification signal as a means for notifying that the terminal has been switched to the download state. This feature, in combination with the other features of the claims, is believed patentable. In view of these new recitations, the pending claims are believed to patentably recite

the present invention. Accordingly, reconsideration and allowance of all the pending are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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